

**PLANNING BOARD
CITY OF MIAMI BEACH, FLORIDA**

PROPERTY: 730 71st Street.

FILE NO: PB20-0351

IN RE: An application for a conditional use permit for the operation of a religious institution with an occupancy exceeding 199 persons, pursuant to pursuant to Chapter 118, Article IV of the City Code.

**LEGAL
DESCRIPTION:** See Exhibit "A".

MEETING DATE: June 29, 2020

CONDITIONAL USE PERMIT

The applicant, Ministerio Internacional El Rey Jesus Inc., filed an application with the Planning Director for a Conditional Use Permit pursuant to Chapter 118, Article IV and Chapter 142, Article II of the City Code. Notice of the request for Conditional Use was given as required by law and mailed out to owners of property within a distance of 375 feet of the exterior limits of the property, upon which the application was made.

The Planning Board of the City of Miami Beach makes the following FINDINGS OF FACT based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

That the property in question is located in a single-family neighborhood within the TC-1, North Beach Town Center Core zoning district;

That the intended Use or construction will not result in an impact that will exceed the thresholds for the levels of service as set forth in the Comprehensive Plan;

That structures and Uses associated with the request are not consistent with the Land Development Regulations of the City Code, but would be consistent subject to the following conditions;

That the public health, safety, morals, and general welfare will not be adversely affected if the following conditions are in compliance;

That the necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values if the following conditions are met.

IT IS THEREFORE ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the



record for this matter, the staff report and analysis, which is adopted herein, that a Conditional Use Permit as requested and set forth above be GRANTED, subject to the following conditions:

1. The Planning Board shall maintain jurisdiction of this Conditional Use Permit. The applicant shall appear before the Planning Board for a progress report within 90 days from the issuance of the BTR. The Board reserves the right to modify the Conditional Use approval at the time of a progress report in a non-substantive manner, to impose additional conditions to address possible problems and to determine the timing and need for future progress reports. This Conditional Use is also subject to modification or revocation under City Code Sec. 118-194 (c).

A queuing analysis of the congregate drop-off area shall be provided at the time of the progress report in order to document and address any traffic impacts onto Bonita Drive.
2. This Conditional Use Permit is issued to Ministerio Internacional El Rey Jesus Inc. only. Any change of use or ownership shall require review and approval by the Planning Board as a new application.
3. The maximum occupancy for the building shall not exceed 299, or such lesser number as determined by the Fire Marshall.
4. The hours of operation shall be as follows:
 - Daily -- 8:00 a.m. to 11:00 p.m.
5. As part of the Building Permit plans for the project, the applicant shall submit revised architectural drawings, which shall be subject to the review and approval of staff; at a minimum, such plans shall satisfy the following:
 - a. A directional sign(s) shall be provided on 71st street, subject to the review and approval of applicable city and state agencies, prohibiting the drop-off of congregants on 71st Street. Additionally, directional signage shall be posted on the building, in accordance with the city code requirements, directing vehicles to the drop-off and pick-up area located south of the building, subject to the review and approval of staff.
6. Any future valet operation shall require the review and approval of the Planning Board as a modification to this Conditional Use Permit.
7. Exterior speakers, except those required to address Building and Life Safety Codes, shall be strictly prohibited on the exterior of the building.
8. This approval shall not include a day care or a school. Any such addition shall require the review and approval of the Planning Board as a modification to this Conditional Use Permit.
9. Pedestrian queuing outside the facility shall not be permitted.
10. An attendant shall be required during the times of operation to ensure compliance with the requirements of this Conditional Use Permit.

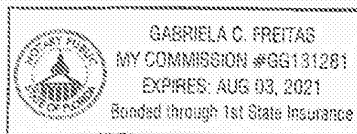
11. Prior to the issuance of a building permit, a revised operational plan shall be submitted, including details of proposed security operations, and provisions to ensure that congregants are advised of the prohibition of vehicular drop-off and pick-up from 71st street, in a manner to be reviewed and approved by staff.
12. Violation of the Miami-Dade County Code Section 21-28 (a/k/a "noise ordinance") shall be deemed a violation of this Conditional Use Permit and subject to the remedies as described in Sec. 118-194 of the City Code.
13. The Planning Board shall retain the right to call the applicant back before the Board and modify the hours of operation should there be repeat complaints about noise or non-compliance with any of the stated conditions.
14. The applicant shall participate in a Transportation Concurrency Management Area Plan (TCMA Plan), as deemed to be necessary, by paying its fair share cost as determined by the Transportation Concurrency section.
15. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
16. The applicant shall satisfy outstanding liens and past due City bills to the satisfaction of the City prior to the issuance of a certificate of use or an occupational license, whichever applies.
17. The executed Conditional Use Permit shall be recorded in the Public Records of Miami-Dade County, Florida, at the expense of the applicant. No building permit, certificate of occupancy, or certificate of completion shall be issued until this requirement has been satisfied.
18. The establishment and operation of this Conditional Use shall comply with all the aforementioned conditions of approval; non-compliance shall constitute a violation of the Code of the City of Miami Beach, Florida, and shall be subject to enforcement procedures set forth in Section 114-8 of said Code and such enforcement procedures as are otherwise available. Any failure by the applicant to comply with the conditions of this Order shall also constitute a basis for consideration by the Planning Board for a revocation of this Conditional Use.
19. The applicant agrees and shall be required to provide access to areas subject to this Conditional Use Permit for inspection by the City (i.e. Planning Department, Code Compliance Department, Building Department, and Fire Department staff), to ensure compliance with the terms and conditions of this Conditional Use Permit. Failure to provide access may result in revocation of the Conditional Use Permit.

7/31/2020 | 10:01 AM EDT

Dated _____

PLANNING BOARD OF THE
CITY OF MIAMI BEACH, FLORIDABY: Michael BelushMichael Belush, AICP
Chief of Planning and Zoning
For The ChairmanSTATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 31 day of July, 2020, by Michael Belush, Chief of Planning and Zoning of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



[NOTARIAL SEAL]

Gabriela Freitas

Notary:

Print Name: Gabriela Freitas

Notary Public, State of Florida

My Commission Expires: Aug. 3, 2021Commission Number: 99131281Approved As To Form:
Legal Department

DocuSigned by:

Nick Balazs

(7/31/2020 | 9:54 AM EDT)

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Filed with the Clerk of the Planning Board on

Joanna Gulmez (8/3/20)

EXHIBIT "A"

LEGAL DESCRIPTION: ALL OF THAT PORTION OF LOTS 1 AND 2, IN BLOCK 16, OF NORMANDY BEACH SOUTH, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 21, PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM A POINT OF BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 16, NORMANDY BEACH SOUTH, RUN WEST FOR A DISTANCE OF 45 FEET ALONG THE NORTH LINE OF SAID LOT 1; THENCE RUN SOUTH, AT AN ANGLE OF 90 DEGREES, FOR A DISTANCE OF 101.40 FEET TO THE SOUTH LINE OF LOT 2 OF SAID BLOCK 16; THENCE RUN EAST FOR A DISTANCE OF 107.55 FEET ALONG SAID SOUTH LINE OF LOT 2 TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE RUN IN A NORTHWESTERLY DIRECTION ON THE DIVIDING LINE BETWEEN LOTS 2 AND 11 AND LOTS 1 AND 12 RESPECTIVELY, FOR A DISTANCE OF 119.14 FEET BACK TO THE POINT OF BEGINNING, SITUATE IN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA, PLUS:

ALL OF THAT PORTION OF LOTS 11 AND 12, BLOCK 16, NORMANDY BEACH SOUTH, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 21, PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE AFORESAID LOT 12 AND RUN EASTERLY ALONG THE NORTHERLY LINE OF LOT 12, A DISTANCE OF 52.83 FEET TO A POINT; THENCE DEFLECTING 90 DEGREES TO THE RIGHT, RUN ALONG A LINE THAT RUNS ALONG THE CENTERLINE OF A 4-INCH BRICK PARTITION WALL, A DISTANCE OF 85.32 FEET, TO A POINT ON THE DIVIDING LINE BETWEEN LOT 11 AND LOT 2 OF BLOCK 16 OF THE ABOVE MENTIONED SUBDIVISION; THENCE RUN NORTHERLY ALONG THE DIVIDING LINE BETWEEN LOTS 2 AND 11 AND LOTS 1 AND 12 RESPECTIVELY OF THE ABOVE MENTIONED SUBDIVISION, A DISTANCE OF 109.24 FEET TO THE POINT OF BEGINNING, SITUATE IN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.

EASEMENT LEGAL DESCRIPTION: THAT PERPETUAL EASEMENT DESCRIBED IN THE WARRANTY DEED FROM L.B. JACKSON & COMPANY, A FLORIDA CORPORATION, TO PHIL-CLAIRE REALTY CO., INC., A FLORIDA CORPORATION DATED MAY 20, 1952 RECORDED IN OFFICIAL RECORDS BOOK 3599, PAGE 430 AS MODIFIED BY OFFICIAL RECORDS BOOK 7311, PAGE 163 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, THE LEGAL DESCRIPTION OF SAID EASEMENT BEING:

FROM A POINT OF BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, BLOCK 16, NORMANDY BEACH SOUTH, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 21, PAGE 54, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, RUN EAST ALONG THE SOUTH LINE OF SAID LOT 2 FOR A DISTANCE OF 22.37 FEET; THENCE RUN NORTH, AT AN ANGLE OF 90 DEGREES FOR A DISTANCE OF 15 FEET; THENCE RUN WEST, AT AN ANGLE OF 90 DEGREES FOR A DISTANCE OF 31.62 FEET TO THE WESTERLY LINE OF SAID LOT 2; THENCE RUN IN A SOUTHWESTERLY DIRECTION ALONG THE WESTERLY LINE OF SAID LOT 2 FOR A DISTANCE OF 17.62 FEET, BACK TO A POINT OF BEGINNING, SITUATE IN THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA.